

ICPS newsletter®

Ways to improve the institutional system for counteracting discrimination

Ukraine does not have an effective system for countering sexual discrimination. The Ukrainian laws do not identify the forms of gender discrimination and the procedures for appealing against sexual discrimination and sexual harassment, and also do not establish civil and administrative responsibility for discrimination. The institutional system for counteracting discrimination is undeveloped. As part of the "Policy Campaign for Promoting Gender Equality in Ukraine" project, the Centre's analysts are working for creating mechanism for the protection against sexual discrimination

Having ratified the UN Convention on the Elimination of All Forms of Discrimination against Women, Ukraine has undertaken a number of commitments, specifically:

- to embody the principle of the equality of men and women in its national Constitution or other appropriate legislation and to ensure, through law and other appropriate means, the practical realization of this principle;
- to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.

In the recent years, there were tangible improvements in this area in Ukraine. Mainly they are related to the adoption of the Law "On ensuring equal rights and possibilities for women and men" that prohibited sexual discrimination and determined that preventing gender discrimination is one of the main government policy areas to ensure equal right and possibilities for women and men.

However, this Law lacks effective mechanisms that could help victims of discrimination and/or sexual harassment defend their rights.

Why does Ukraine have no effective system to counter discrimination?

Ukraine does not have a single specialized government body whose powers would include:

- studying and investigating incidents related to discrimination in various areas of social relations, obtaining evidence and information related to individual complaints;
- providing assistance and support to victims of discrimination (including legal assistance) that are needed to defend their rights in government institutions and courts;
- seeking ways to regulate conflicts related to individual complaints;
- adopting mandatory decisions related to discriminatory actions;
- applying sanctions for the violation of anti-discriminatory norms (that can include payment of compensation to the affected individual).

This is one of the main reasons that hamper the institution of international standards to counteract discrimination in Ukraine. Some of the above powers are fulfilled by various government bodies and institutions

in Ukraine, specifically the Verkhovna Rada Commissioner for Human Rights and police bodies. However, none of them fulfills the entire set of the above functions.

One of the main objectives to protect victims of sexual discrimination must be to improve the institutional system. ICPS specialists draw attention to four methods for improving this system.

1. Reinforcing anti-discriminatory activities of the Verkhovna Rada Commissioner for Human Rights

It is possible to use the experience accumulated by the European countries to strengthen the role of the Verkhovna Rada Commissioner for Human Rights in countering discrimination. Thus, the objective to improve and develop the institute of ombudsman in the area of protecting against discrimination can be fulfilled by setting up a Special Representative on Discrimination Issues under the Verkhovna Rada Commissioner for Human Rights. This Special Representative can fulfill functions related to implementing the principle of equal treatment and prevention of discrimination. As this Special Representative will deal exclusively with the issues of discrimination and equality, this will ensure ongoing attention of the ombudsman to this area.

2. Expanding powers of a specially authorized central executive body in ensuring equal rights and possibilities for women and men

According to the Ukrainian legislation, the main workload related to practical support for equal rights and possibilities for women and men is the responsibility of a specially authorized central executive body in ensuring equal rights and possibilities for women and men.

Announcement!

Dear readers, we wish you good rest on holidays. The next issue of the **ICPS newsletter** will come out on 14 May 2007.

At the moment, functions of this body are fulfilled by the Ministry of Family, Youth and Sports. However, this executive body is not an effective instrument to counteract sexual discrimination, as it does not have real levers of influence on individuals who committed discriminatory actions and violated the principle of equality.

In order to improve the activities of this body, it is necessary:

- to significantly expand the list of its functions and powers;
- to place instruments and means to counter discrimination at the disposal of this body.

3. Setting up a new anti-discrimination body

This option provides for setting up a specially authorized anti-discrimination body in the structure of the executive branch to provide independent

assistance to individuals who have suffered from violation of their rights or discrimination. Such a body must cover all functions of a specially authorized central executive body in ensuring equal rights and possibilities for women and men that are related to protecting victims of discrimination.

Evidently, the existence of such a body will be justified only in the instance when its activity will cover manifestations of discrimination by other features as well (sex, nationality, religious beliefs, age, and so on).

4. Engaging law enforcement bodies in anti-discriminatory activities

This option can be implemented by setting up specialized departments (units) for countering discrimination in the system of the Ministry of Internal Affairs and/or prosecution bodies. Their functions will include examining

complaints from individuals about discriminatory actions and also investigating crimes based on discrimination. ■

The "Policy Campaign for Promoting Gender Equality in Ukraine" project is being financed by the European Commission and implemented by ICPS jointly with the Center for Ukrainian Reform Education (CURE). The goal of this project is to enhance equal participation of women in political processes and decision-making. During the project implementation period, analysts will prepare a Green Paper and a White Paper on gender issues in Ukraine, including equal participation of women in political processes and decision-making.

For more information about this project, visit the ICPS website at <http://www.icps.com.ua/eng/project.html?pid=122>. For additional information, contact Oleksandr Tatarevskiy by telephone at (380-44) 484-4400 or via e-mail at atatarevsky@icps.kiev.ua.

Expectations of Ukrainian consumers improved in February

In February 2007, Ukraine's Consumer Confidence Index (CCI) inched up to 92.2, 1.6 points above the value registered in December 2006. This is a record high since June 2006. An increase in the index indicates an improvement in consumer confidence among Ukrainians. However, a CCI value below the 100-mark shows that the majority of Ukrainians continue to feel pessimistic

The share of optimistic evaluations of the prospects for the country's economy has grown. The Index of Economic Expectations (IEE) rose 5 points, to 92.1—a record high since April 2006. Short-term economic expectations improved the most among Ukrainians: the index x3 jumped 8.4 points, to 90.3.

However, the Index of the Current Situation (ICS) deteriorated. In February 2007, it stood at 92.4, 3.5 points below the value registered in December 2006. The Index of Current Personal Financial Standing x1 shrank 3.3 points over the period, to 81.1—a record low since June 2001. Such evaluations of the financial standing of Ukrainians do not correlate with the dynamic of their incomes. According to data from Derzhkomstat, real personal incomes grew at a rapid pace in 2006, rising 16.1% in real terms, that is, adjusted for inflation.

Negative evaluations of personal financial standing among Ukrainians are, evidently, the reaction of consumers to

rising costs for residential services and utilities. These grew much faster than personal incomes in H2'06. The share of these expenditures in household budgets has grown significantly, leaving fewer resources for other consumption. This is evident in a contraction in the propensity to consume. In February 2007, the Index of Propensity to Consume, which is the indicator of the readiness of Ukrainian consumers to purchase durable goods, was 103.7, 3.6 points below the value registered in December 2006.

Along with growing optimistic economic assessments, expectations of changes in unemployment and inflation have also improved. The Index of Expected Changes in Unemployment (IECU) dropped 6.1 points from December 2006 to February 2007, to 109.5. The Index of Inflationary Expectations (IIE) slipped 2.7 points, to 183.7.

Consumer confidence in major cities has deteriorated sharply. Their CCI was 90.8 in February 2007, a whopping

21.7 points below the value registered in December 2006. Evidently, rising rates residential services has had the strongest impact on urban residents. In February, they showed the most pessimistic inflationary expectations: their IIE was 187.3, 3.6 points above the national average.

The poll registered deterioration in consumer confidence among middle-aged Ukrainians (aged 30–45) with average incomes. The CCI for middle-aged Ukrainian consumers was 87.2 in February 2007, while the CCI for Ukrainians with average incomes was 87.5, 3.9 points and 1.2 points below the values registered in December 2006. Consumer confidence among these consumers deteriorated mainly because of poorer evaluations of their current standing. ■

For additional information about this survey contact Yevhenia Akhtyrko by telephone at (380-44) 484-4403 or via e-mail at eahtyrko@icps.kiev.ua. If you would like to subscribe to the consumer confidence bulletin, with its detailed analysis of the Consumer Confidence Index in Ukraine, contact our Client Relations Manager Andriy Starynskiy by telephone at (380-44) 484-4410, or via e-mail at marketing@icps.kiev.ua.

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